

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: Dennis E. Hecker

Case No. 09-50779  
Chapter 7

Debtor.

---

CORNERSTONE BANK, CORNERSTONE HOLDING COMPANY, INC., AND  
BLACKSTONE FINANCIAL, LLC, JOINDER IN TRUSTEE'S MOTION FOR ORDER  
AUTHORIZING RULE 2004 EXAMINATIONS AND REQUEST TO ATTEND  
DEPOSITION

---

Cornerstone Bank, Cornerstone Holding Company, Inc., and Blackstone Financial, LLC, (hereinafter "Cornerstone"), hereby join in the Trustee's Motion for Order Authorizing Rule 2004 Examinations of Michael J. Givens, Mikden LLC, Mikden of Minnetonka LLC, Michael Holdings of Baxter LLC, Mikden of Stillwater LLC and Toyota Motor Credit Corporation and hereby requests to attend the deposition.

Cornerstone, a secured creditor of the Debtor and a party asserting an interest in the Debtor's ownership interests in various entities owned by the Debtor, and a party to the Trustee's recent adversary proceeding, hereby joins in the Trustee's Motion for an Order Authorizing Rule 2004 Examinations and hereby requests to attend the same. Additionally, Cornerstone has an interest in joining in the Trustee's Motion for an Order Authorizing Rule 2004 Examinations because the Trustee recently filed an Adversary Complaint against Cornerstone and the deposition testimony of Michael Givens is relevant to the recently commenced adversary proceeding.

The Trustee's motion provides that Michael J. Givens had a number of common business interests with the Debtor. The Trustee's motion further provides that Toyota

Motor Credit Corporation engaged in business dealings with the Debtor, and his business entities received payments from the Debtor's personal accounts.

Cornerstone requests to join the Trustee's Motion for an Order Authorizing Rule 2004 Examinations in order for Cornerstone to depose Michael J. Givens, Mikden LLC, Mikden of Minnetonka LLC, Michael Holdings of Baxter LLC, Mikden of Stillwater LLC and Toyota Motor Credit Corporation. The purpose of the depositions is to obtain information the above listed people may possess regarding Cornerstone's secured interests.

Depositions under Rule 2004 are designed to be "a searching inquiry into the condition and estate of the bankrupt, to assist in discovering and collecting the assets and to develop facts and circumstances which bear on the question of discharge." In re Wessels, 79 B.R. 826, 827 n.1 (N.D. Iowa 1987). The depositions of the above mentioned people are relevant to questions regarding Hecker's discharge, and since Cornerstone is a party to the case against Hecker and a party to the case the trustee has filed against Cornerstone, Cornerstone requests that it be able to participate in the depositions at the same time as the Trustee. If the depositions can be taken all at once with Cornerstone and the Trustee present, then there will be less of an overlap in questions between Cornerstone and the Trustee. Thus, it will be more efficient to have the depositions taken at the same time. Moreover, the testimony will be more consistent if it is all given on the same day.

Due to Cornerstone's legal counsel's pre-existing schedule, Cornerstone Bank representatives will be unable to attend the hearing/oral argument but join in and concur with the Trustee's oral argument at the hearing.

Dated this 24<sup>th</sup> day of June, 2010.

/s/ Brad A. Sinclair

Brad A. Sinclair (MN#161652), of

SERKLAND LAW FIRM

10 Roberts Street

P.O. Box 6017

Fargo, ND 58108-6017

(701) 232-8957

ATTORNEYS FOR CORNERSTONE BANK,  
CORNERSTONE HOLDING COMPANY, INC.,  
AND BLACKSTONE FINANCIAL, LLC

**In Re: Dennis E. Hecker, Debtor  
Bankruptcy Case No. 09-50779  
Chapter 7 Bankruptcy Case**

Sherry Michelson, being duly sworn, deposes and says that she is a resident of the City of Moorhead, State of Minnesota, is of legal age; and that she served the within

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Thomas J. Lallier  
Foley & Mansfield, P.L.L.P.  
250 Marquette Avenue, Ste. 1200  
Minneapolis, MN 55401  
[tlallier@foleymansfield.com](mailto:tlallier@foleymansfield.com)

Randall L. Seaver  
12400 Portland Avenue So.  
Suite 132  
Burnsville, MN 55337  
[rlseaver@fullerseaverramette.com](mailto:rlseaver@fullerseaverramette.com)

Monica Clark  
Dorsey & Whitney LLP  
50 South 6th Street, Ste. 1500  
Minneapolis, MN 55402  
[Clark.monica@dorsey.com](mailto:Clark.monica@dorsey.com)

Connie A. Lahn  
Fafinski Mark & Johnson, P.A.  
400 Flagship Corporate Center  
775 Prairie Center Drive  
Eden Prairie, MN 55344  
[Connie.Lahn@fmjlaw.com](mailto:Connie.Lahn@fmjlaw.com)

David E. Runck  
Fafinski Mark & Johnson, P.A.  
400 Flagship Corporate Center  
775 Prairie Center Drive  
Eden Prairie, MN 55344  
[David.Runck@fmjlaw.com](mailto:David.Runck@fmjlaw.com)

Cynthia A. Moyer  
Fredrikson & Byron, P.A.  
200 South 6th Street, Ste. 4000  
Minneapolis, MN 55402  
[cmoyer@fredlaw.com](mailto:cmoyer@fredlaw.com)

Andrea M. Hauser  
Leonard O'Brien Spencer Gale & Sayre  
100 South 5th St., Ste. 2500  
Minneapolis, MN 55402  
[ahauser@losgs.com](mailto:ahauser@losgs.com)

Gordon B. Conn  
Kalina Wills Gisvold & Clark  
6160 Summit Drive, Ste. 560  
Minneapolis, MN 55430  
[conn@kwgc-law.com](mailto:conn@kwgc-law.com)

Matthew R. Burton  
Leonard O'Brien Spencer Gale & Sayre  
100 South 5th St., Ste. 2500  
Minneapolis, MN 55402  
[mburton@losgs.com](mailto:mburton@losgs.com)

Ralph Mitchell  
Lapp Libra Thomson Stoeber & Pusch  
One Financial Plaza, Ste. 2500  
120 S. 6th St.  
Minneapolis, MN 55402  
[rmitchell@laplibra.com](mailto:rmitchell@laplibra.com)

Andrew Paul Moratzka  
Mackall Crounce & Moore  
901 Marquette Ave.  
1400 AT&T Tower  
Minneapolis, MN 55402  
[apm@mcmlaw.com](mailto:apm@mcmlaw.com)

Nauni Jo Manty  
Manty & Associates, P.A.  
510 First Avenue North  
Suite 305  
Minneapolis, MN 55403  
[ecf@mantylaw.com](mailto:ecf@mantylaw.com)

Jamie R. Pierce  
Hinshaw & Culbertson LLP  
333 South 7th Street  
Suite 2000  
Minneapolis, MN 55402  
[jpierce@hinshawlaw.com](mailto:jpierce@hinshawlaw.com)

Matthew A. Swanson  
Leonard, Street & Deinard  
150 South 5th St., Ste. 2300  
Minneapolis, MN 55402  
[Matthew.swanson@leonard.com](mailto:Matthew.swanson@leonard.com)

Michael Meyer  
Ravich Meyer Kirkman  
4545 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
[mlmeyer@ravichmeyer.com](mailto:mlmeyer@ravichmeyer.com)

Jeffrey D. Klobucar  
Foley & Mansfield, PLLP  
250 Marquette Ave., Ste. 1200  
Minneapolis, MN 55401  
[jklobucar@foleymansfield.com](mailto:jklobucar@foleymansfield.com)

Joseph W. Lawver  
Messerli & Kramer, P.A.  
1800 Fifth Street Towers  
150 South 5th Street  
Minneapolis, MN 55402  
[Jlawver@messerlikramer.com](mailto:Jlawver@messerlikramer.com)

Bruce H. Carlson  
McNair, Larson & Carlson, Ltd.  
51 Broadway, Ste. 600  
Fargo, ND 58102  
[Bruce.carlson@mlcfargolaw.com](mailto:Bruce.carlson@mlcfargolaw.com)

Robert G. Parish  
Faegre & Benson, LLP  
2200 Wells Fargo Center  
90 South 7th Street  
Minneapolis, MN 55402  
[rparish@faegre.com](mailto:rparish@faegre.com)

HSBC Bank Nevada, N.A.  
Attn: Patti H. Bass  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Rd., Ste. 200  
Tucson, AZ 85712  
[ecf@bass-associates.com](mailto:ecf@bass-associates.com)

Ramesh Singh  
Recovery Management Systems Corp.  
Financial Controller  
25 SE 2nd Avenue, Ste. 1120  
Miami, FL 33131-1605  
[claims@recoverycorp.com](mailto:claims@recoverycorp.com)

Kendall L. Bader  
Fredrikson & Byron, P.A.  
200 South 6th Street, Ste. 4000  
Minneapolis, MN 55402  
[kbader@fredlaw.com](mailto:kbader@fredlaw.com)

Tayler D. Candee  
Lapp Libra Thomson Stoeber & Pusch  
2500 One Financial Plaza  
120 South 6th Street  
Minneapolis, MN 55402  
[tcandee@lapplibra.com](mailto:tcandee@lapplibra.com)

Eric J. Sherburne  
Stein & Moore, P.A.  
First National Bank Bldg.  
332 Minnesota St., Ste. W-1650  
St. Paul, MN 55101  
[esherburne@steinmoore.com](mailto:esherburne@steinmoore.com)

Seth Leventhal  
Fafinski Mark & Johnson, PA  
400 Flagship Corporate Center  
775 Prairie Center Drive  
Eden Prairie, MN 55344  
[Seth.leventhal@fmilaw.com](mailto:Seth.leventhal@fmilaw.com)

David L. Johnson  
McNair, Larson & Carlson, Ltd.  
51 Broadway, #600  
Fargo, ND 58102  
[David.johnson@mlcfargolaw.com](mailto:David.johnson@mlcfargolaw.com)

Kathleen K. Statler  
Greene Espel PLLP  
200 South 6th Street, #1200  
Minneapolis, MN 55402  
[kstatler@greeneespel.com](mailto:kstatler@greeneespel.com)

Larry D. Espel  
Greene Espel PLLP  
200 South 6th Street, #1200  
Minneapolis, MN 55402  
[lespel@greeneespel.com](mailto:lespel@greeneespel.com)

Rebecca G. Sluss  
Oppenheimer Wolff & Donnelly  
Plaza VII, Suite 3300  
45 south 7th Street  
Minneapolis, MN 55402  
[rsluss@oppenheimer.com](mailto:rsluss@oppenheimer.com)



William R. Skolnick  
Skolnick @ Shiff, P.A.  
2100 Rand Tower  
527 Marquette Avenue So.  
Minneapolis, MN 55402  
[wskolnick@skolnick-shiff.com](mailto:wskolnick@skolnick-shiff.com)

Nicholas J. Vivian  
Eckberg Lammers Briggs Wolff & Vierling  
1809 Northwestern Avenue  
Stillwater, MN 55082  
[nvivian@eckbergammers.com](mailto:nvivian@eckbergammers.com)

Timothy J. Peters  
Peters Law Firm PLC  
2116 Second Avenue So.  
Minneapolis, MN 55404  
[Tpeters@peterslawplc.com](mailto:Tpeters@peterslawplc.com)

Joshua A. Hasko  
Messerli & Kramer, P.A.  
1400 Fifth Street Towers  
100 South 5th Street  
Minneapolis, MN 55402  
[jhasko@messerlikramer.com](mailto:jhasko@messerlikramer.com)

Steven R. Qualley  
Gammello & Qualley, P.A.  
14275 Golf Course Drive, #200  
Baxter, MN 56425  
[steveq@gqlaw.net](mailto:steveq@gqlaw.net)

Aaron R. Hartman  
Anthony Ostlund Baer & Louwagie, PA  
3600 Wells Fargo Center  
90 South 7th Street  
Minneapolis, MN 55402  
[ahartman@aoblaw.com](mailto:ahartman@aoblaw.com)

Stephen F. Grinnell  
Gray, Plant, Mooty, Mooty & Bennett, P.A.  
500 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-3796

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following non-ECF participants:

Dennis E. Hecker  
P.O. Box 1017  
Crosslake, MN 56442

Bayport Marina Association, Inc.  
Attn: President, Managing Agent or other Officer  
200 Fifth Avenue South  
Bayport, MN 55003

Linda M. Berreau, CPA, CMA, CFE  
16418 Gladys Lane  
Minnetonka, MN 55345

Michael B. Lubic  
Sonnenschein Nath & Rosenthal, LLP  
601 S. Figueroa St., Ste. 2500  
Los Angeles, CA 90017-5704

and depositing the same with postage prepaid in the United States mail at Fargo, North Dakota.

To the best of affiant's knowledge, the address above given is the actual post office address of the party intended to be so served. The above document was mailed in accordance with the provisions of the Minnesota Rules of Civil Procedure.

/s/ Sherry Michelson  
Sherry Michelson

Subscribed and sworn to before me this 24<sup>th</sup> day of June, 2010.

/s/ Sarah D. Klava  
Notary Public  
Cass County, North Dakota  
My Commission Expires:

(SEAL)